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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/370,702	08/09/1999	MIKE F.G. GEPPERT	SAMS01-00070	8401

23990 7590 09/08/2003

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P.O. DRAWER 800889  
DALLAS, TX 75380

EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2684

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DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/370,702

Applicant(s)

GEPPERT, MIKE F.G.

Examiner

Philip J. Sobutka

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on 03 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,9-11,17 rejected under 35 U.S.C. 102(e) as being anticipated by Agrawal et al (US 5,889,816).

Consider claims 1,9, Agrawal teaches a wireless network comprising: a plurality of base station communicating with a plurality of mobile stations (Agrawal see especially fig 1) a plurality of RF transceivers capable of transmitting and receiving at least one of voice and data signals with the mobile stations (Agrawal figure 4); and a call control processor capable of controlling the RF transceivers. Note that Agrawal teaches the control being implemented as software on the base station CPU (Agrawal, see especially col 7, lines 64-66). Agrawal teaches the control comprising a first state machine capable of performing a call processing task the first state machine capable of storing a plurality of events associated with a call processing task, each of the events operable to cause the first state machine to perform a selected action, wherein the first state machine is capable of communication with a second state machine of the call control processor by storing at least one event with the second state machine. (Agrawal

see especially fig 6, FSM, finite state machines, col 8, lines 11-32). Note that Agrawal's state machine process events associated, i.e. originated, at other state machines, note also that Agrawal's state machines utilize queues.

As to claim 17, the system of Agrawal would perform the claimed steps.

As to claims 2,10, note the since the state machines perform control processing the state machines events would be received from other state machines (Agrawal see especially fig 1, col 8, lines 11-32).

As to claims 3, 11, note that of course Agrawal's state machines nodes also execute tasks in response to the operating system. (Agrawal see fig 1).

### **Claim Rejections - 35 USC § 103**

3. Claims 6-8,14-16,18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal et al (US 5,889,816) in view of Gulliford et al (US 5,995,831).

As to claims 6-8,14-16,18-20, Agrawal teaches everything claimed as shown above except for the state machine using array and table to respond to events. Note that Agrawal is silent as to the operation of the state machines. Gulliford teaches a telephone control system in which state machines respond to events based on an array and table which is a list linking events to responses (Gulliford see especially col 14, lines 45- col 16, line 40). It would have been obvious to one of ordinary skill in the art to modify the state machines of Agrawal to operate as shown in Gulliford in order to ensure the state machines respond in a predetermined manner to events.

4. Claims 4,5,12,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Agrawal in view of Burt et al (US 6,308,080).

Agrawal teaches everything claimed except one of the tasks being a periodic ping message. Burt et al teaches using a periodic ping message in a power control algorithm between a base and mobile (Burt see especially col 8, lines 15-25). It would have been obvious to one of ordinary skill in the art to modify Agrawal to program the operating system to have the state machine node execute a ping message as a part of power control algorithm as taught by Burt in order to ensure that the power was maintained at an appropriate level.

### **Response to Arguments**

5. Applicant's arguments were persuasive; the previous rejection has been removed. Since this is a new rejection based on new art, this action is not being made final.
6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for


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the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs  
August 25, 2003

  
NAY MAUNG  
PRIMARY EXAMINER



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